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<u>REMARKS</u>

The Examiner has rejected Claims 9,10, 22, and 23 under 35 U.S.C. 101. Such rejection is deemed overcome in view of the clarifications made hereinabove to the claims.

The Examiner has rejected Claims 1-26 under 35 U.S.C. 102(e) as being anticipated by Bullard et al. (USPN 6,405,251). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove.

Specifically, in the latest action, the Examiner equates applicant's claimed "generating a command in response to the receipt of the records by the aggregator" (see Claim 1 et al.) to the new flow trigger 676, flow state trigger 678, and trigger 682. See below:
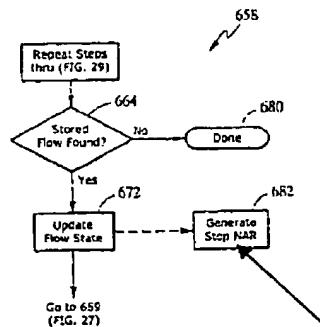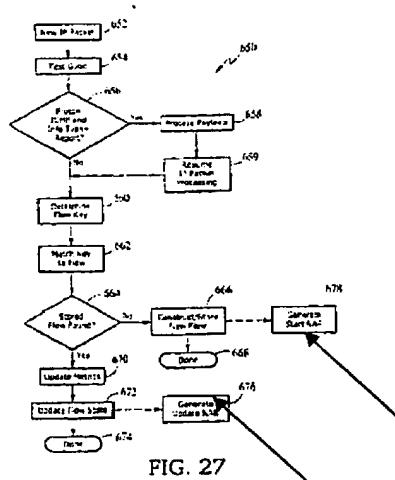
FIG. 27

FIG. 28

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However, Fig. 27 and Fig. 28 shown above are described as a flow probe and a payload processing/protocol correlation mechanism, not an aggregator, as claimed by applicant. Thus, such triggers do not meet applicant's claimed "generating a command in response to the receipt of the records <u>by the aggregator</u>."

Further, even if the methods of Fig. 27 and Fig. 28 were part of an "aggregator," it is clearly shown that aggregation-type activity (see operations 664, 666, 670, 672, etc.) are performed prior to generating the commands (i.e. new flow trigger 676, flow state trigger 678, and trigger 682, etc.). Thus, by relying on such triggers to meet applicant's claimed commands, the Examiner's proposed reference fails to meet applicant's claimed "generating a command <u>in response to the receipt of the records</u> by the aggregator," "wherein services are rendered in response to the command <u>with minimal latency caused by the aggregator</u>."

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). <u>The elements must be arranged as required by the claim</u>.

This criterion has simply not been met by the Bullard reference, as noted above. Nevertheless, despite these paramount differences and in the spirit of expediting the prosecution of the present application, applicant has amended each of the pertinent independent claims to include the following or similar (but not identical) subject matter:

"wherein services are rendered in response to the command with minimal latency caused by the aggregator <u>by initiating the rendering of the services before the aggregator begins processing a new aggregation</u>" (emphasis added).

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Thus, the manner in which applicant's claimed invention provides minimal latency it is now emphasized in a manner that clearly distinguishes the prior art of record. A notice of allowance or a specific prior art showing of each of the foregoing limitations, along with the remaining claim elements, is respectfully requested.

With respect to Claims 11, 12 and various other independent claims, it is noted that the Examiner makes similar references to Conklin. To this end, applicant asserts that such claims are further deemed allowable, at least partially, for the reasons/amendments set forth hereinabove.

It is further noted that the Examiner's application of the prior art to the remaining claims is replete with deficiencies. Just by way of example, with respect to Claim 2, the Examiner relies on Fig. 6, col. 5, lines 7-21; col. 7, lines 17-38; Fig. 27, items 678, 676; Fig. 28, item 682 from Bullard to make a prior art showing of appellant's claimed "wherein the command includes a start command that is generated immediately before the aggregator generates a memory state in response to the receipt of records." After careful of such excerpts, however, it is clear that Bullard fails to disclose, teach or even suggest any sort of start command <u>that is generated immediately before the aggregator generates a memory state in response to the receipt of records</u>, as claimed. Nevertheless, such claim has been further amended to additionally distinguish Bullard.

With respect to Claims 19-21, the Examiner relies on col. 31, line 32 - col. 32, line 65; and col. 33, lines 14-55 from Bullard to make a prior art showing of such claimed subject matter. However, after careful inspection of such excerpts, it is noted that at least the following emphasized subject matter is clearly not even suggested by Bullard:

19.   (Original) The method as recited in claim 18, wherein <u>the aggregation is updated by marking one of the records that was last sent if an update threshold is met</u>.

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20.   (Original) The method as recited in claim 18, wherein the aggregation is stopped by resetting a memory state associated with the records if a stop threshold is met.

21.   (Original) The method as recited in claim 18, wherein the aggregation is evaluated periodically in addition to being updated in immediate response to the receipt of the signal.

Again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, along with the remaining claim elements, is respectfully requested.

Applicant further draws the Examiner's attention to the following new claims which are presented for full consideration:

27.   (New) The method as recited in claim 1, wherein the services include operational support system (OSS) services, and business support system (BSS) services.

28.   (New) The method as recited in claim 1, wherein the services include providing a user with a balance in real-time, updating a pre-paid debit account in real-time, detecting a denial-of-service attack in real-time, and detecting a network intrusion in real-time.

29.   (New) The method as recited in claim 1, wherein the services are selected from the group consisting of operational support system (OSS) services, and business support system (BSS) services.

30.   (New) The method as recited in claim 1, wherein the services are selected from the group consisting of providing a user with a balance in real-time, updating a pre-paid debit account in real-time, detecting a denial-of-service attack in real-time, and detecting a network intrusion in real-time.

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Yet again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, along with the remaining claim elements, is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment to Deposit Account No. 50-1351 (Order No. XACTP008).

Respectfully submitted,
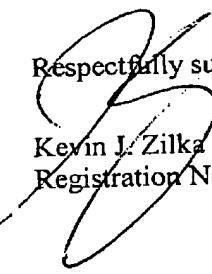
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